

**REMARKS**

Claims 1-3, 6-11 and 13-17 are pending in this application. Claims 6, 8, 9, 14 and 15 are presently withdrawn from consideration. By this Amendment, claim 1 is amended and claims 4, 5 and 10 are canceled. Support for the amendments to claim 1 can be found at least at, for example, prior claims 4, 5 and 10 and Figs. 3-6 and 9. Claims 6 and 11 are amended for antecedence based upon the cancelation of claims 4 and 10. No new matter is added.

Entry of the amendments is proper under 37 CFR §1.116 because the amendments: (a) place the application in condition for allowance for the reasons discussed herein; and (b) do not raise any new issue requiring further search and/or consideration as the amendments amplify issues previously discussed throughout prosecution, such as with respect to prior claims 4, 5 and 10. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

**35 U.S.C. §102(b) Rejection**

Claims 1-3, 7, 10, 11, 13, 16 and 17 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by March (U.S. Patent No. 5,544,367). Applicant respectfully traverses this rejection.

Amended claim 1 includes the features of claims 4 (a headband adjustment means fixedly secured at least to the crown segment) and 5 (the adjustment means comprises a lace joining the shell segments to one another and cooperating with a knurled knob actuating tightening and loosening of the helmet), which were not rejected as being anticipated by March. Thus, March does not anticipate at least these features of claim 1.

Claims 2-3, 7, 11, 13, 16 and 17 depend from claim 1. For at least their respective dependency, and for the additional features recited, March also does not anticipate claims 2-3, 7, 11, 13, 16 and 17.

Withdrawal of the rejection is respectfully requested.

**35 U.S.C. §103(a) Rejections**

Claim 4 was rejected under 35 U.S.C. §103(a) as allegedly being obvious over March in view of Howard (U.S. Patent No. 3,087,166); and claim 5 was rejected under 35 U.S.C. §103(a) as allegedly being obvious over March in view of Howard and further in view of Shifrin (U.S. Patent No. 5,515,546). Applicant respectfully traverses each of these rejections.

Claims 4 and 5 are canceled, rendering the rejection of these claims moot. Thus, withdrawal of the rejection is respectfully requested.

To the extent the rejection may be applied to amended claim 1, this rejection is addressed.

Howard is relied upon as allegedly describing the headband adjustment means fixedly secured at least to the occipital segment, as recited in prior claim 4. Shifrin is relied upon as allegedly describing adjustment means comprising a lace joining the shell segments to one another and cooperating with a knurled knob actuating tightening and loosening of the helmet, as recited in prior claim 5.

However, none of March, Howard and Shifrin, alone or in combination, describe the structure of claim 1 that requires a combination of (1) a headband adjustment means fixedly secured at least to the occipital segment, (2) the adjustment means comprising a lace joining the shell segments to one another and cooperating with a knurled knob actuating tightening and loosening of the helmet, and (3) the crown segment is separated from at least one of the transverse side segments by a gap extending from a rear side to a front side of the helmet.

March describes a flexible helmet assembly comprising an outer layer of impact resistant segments 11-17 that overlay an inner layer of impact resistant structures 18-24 that are connected by flexible elastic panels 26-32. See the Abstract of March. However, March does not describe any of above features (1)-(3) recited in claim 1.

Howard and Shifrin do not remedy the deficiencies of March. Howard describes a helmet that comprises a front panel 5 and a back panel 6 that are permanently connected by an elastic strap 7. See col. 1, lines 40-53 of Howard. Howard describes that the helmet is adjusted by use of the connector piece 27, which may have snap fastener elements or have a sliding buckle member. See col. 2, lines 49-56 of Howard. Howard describes that the front panel and the back panel are separate, but the separation does not extend from a rear side to a front side of the helmet. See Fig. 1 of Howard. Howard does not describe any crown segment.

Thus, Howard also does not describe an adjustment means comprising a lace joining the shell segments to one another and cooperating with a knurled knob actuating tightening and loosening of the helmet, and the crown segment being separated from at least one of the transverse side segments by a gap extending from a rear side to a front side of the helmet, as recited in claim 1. Thus, Howard does not remedy the deficiencies of March.

Shifrin describes a helmet that is comprised of a plurality of sector shaped pads that are connected together. See the Abstract of Shifrin. Shifrin describes that a cord 58 that extends through a slidable locking device 60 that may be moved upwardly to tighten the chin straps 50 and 52 underneath the chin of the wearer of the helmet. See col. 3, lines 31-47 of Shifrin. Shifrin describes that pads 10, 12 and 14 constitute the front of the helmet, and pads 16, 18 and 20 constitute the rear of the helmet. See col. 2, lines 37-39 of Shifrin. As shown in Figs. 1 and 3 of Shifrin, each of the pads 10, 12, 14, 16, 18 and 20 are separated, but the separation does not extend from a rear side to a front side of the helmet. Further, each of the pads 10, 12, 14, 16, 18 and 20 of Shifrin extend between the top of the helmet and the bottom of the helmet. Shifrin does not describe any crown segment.

Thus, Shifrin also does not describe an adjustment means comprising a lace joining the shell segments to one another and cooperating with a knurled knob actuating tightening

and loosening of the helmet, and an crown segment being separated from at least one of the transverse side segments by a gap extending from a rear side to a front side of the helmet, as recited in claim 1. Thus, Shifrin does not remedy the deficiencies of March and Howard.

For at least the above reasons, the combination of March, Howard and Shifrin would not have rendered obvious claim 1.

**Rejoinder**

Applicant respectfully requests rejoinder of claims 6, 8, 9, 14 and 15 upon allowance of claims 1-3, 7, 11, 13 and 16-17.

**Concluding Remarks**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-3, 6-11 and 13-17 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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